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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 ANDRE TOLIVER,

No. C 07-2744 WHA (PR)

11 Petitioner,

**ORDER GRANTING
RESPONDENT'S MOTION FOR
EXTENSION OF TIME AND
DENYING PETITIONER'S
MOTION FOR ADJUDICATION**

12 v.

13 A. J. MALFI, Warden,

14 Respondent.
15 _____ /

16 This is a habeas case brought pro se by a state prisoner. Respondent's motion for an
17 extension to time file an answer (document number 5) is **GRANTED**. The answer is deemed
18 timely.

19 Petitioner has filed a motion he captions "Petitioner's Timely Submitted Motion for
20 Magistrate's Compliance with Fed. R. Civ. P. 12(f) While Acting to Adjudicate of the (viz. Pet.
21 Ground IV) Claim, Absent Respondent's Surplusage in Answer." The argument in the motion
22 itself is not much more comprehensible than the caption, but it appears petitioner wants the
23 Court to rule in his favor on one of his grounds. The merits of the petition will be considered in
24 the case's proper order. The motion (document number 21) is **DENIED**.

25 **IT IS SO ORDERED.**

26
27 Dated: January 28, 2008.

28
WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE